

- REMARKS / ARGUMENTS -

Claims 1 to 10, 12 to 17 and 19 to 22 remain in the present application. Claim 1 is amended by inserting therein the limitation of claim 11. Claim 11 is cancelled. Claim 12 is amended by inserting therein the limitation of claim 18. Claim 18 is cancelled.

Rejection of claims 1-6, 8, 9, 11-17, 19, 20, 22 under 35 USC §102(b)

The applicant believes that claim 11 was listed in the 102(b) rejection by error since no argument is provided concerning the limitation of having a pulse width modulation therein. A similar limitation is present in claims 7 and 18 and those were not rejected under 102(b). In view of the applicant's amendment which incorporates the pulse width modulation limitation of claim 11 into claim 1, the applicant believes that amended claim 1 is new in view of the cited prior art and requests reconsideration of the 102(b) rejection of claim 1. Similarly, the applicant believes that amended claim 12 is new in view of the cited prior art and requests reconsideration of the 102(b) rejection of claim 12.

Rejection of claims 1-22 under 35 USC §103(a) using Redinger (4,069,662) or Pellow (5,277,400) or Franconi et al (5,910,851) or JP 58-214603, in view of any of Falk (3,421,318), McArthur (6,209,309), and Nystrom (3,999,388)

Neither Redinger nor Pellow nor Franconi nor JP 58-214603 teach using pulse width modulation in the context of controlling a clearance gap between a rotor blade tip and a surrounding structure in a gas turbine engine.

The Examiner states that either one of Falk (3,421,318), McArthur (6,209,309), and Nystrom (3,999,388) discloses pulse width modulation (PWM) and that *it would have been obvious to one of ordinary skill in the art to employ a PWM valve with a cycle for the on-off control of the clearance control air, due to its low costs and/or flow modulating abilities and/or precise metering abilities.*

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As stated in MPEP section 2142, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The cited prior art does not suggest or motivate to make the claimed combination. Citing a potential advantage of one limitation of the claimed invention (*low costs and/or flow modulating abilities and/or precise metering abilities*) is not an argument for supporting the suggestion or motivation to make the claimed invention obvious to a person skilled in the art.

The claims as modified herein are therefore not obvious in view of cited prior art. In view of the foregoing, reconsideration of the 103(a) rejection is respectfully requested.

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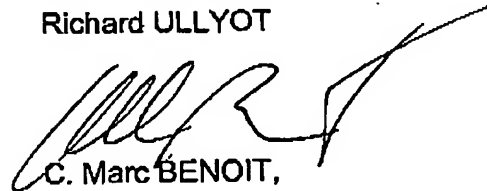
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It is believed that claims 1 to 10, 12 to 17 and 19 to 22 are allowable over the prior art, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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